

## LEAD CONSTRUCTION MANAGER PROTOCOLS AND LEAD HAZARD CONTROL BEST PRACTICES

Completing lead projects in an efficient and effective manner is of the utmost importance in the Lead Assistance/LRAP programs. Failure to manage projects in an effective way leaves children and families at risk of continued exposure to a neurotoxin that affects the lives and futures of our families and communities.

The good news is that *there is a proven process and easy to understand "best practices" for the oversight of lead hazard control projects*. If your Agency follows these protocols, practices and standards, your project will run more smoothly and safely for all involved. Agencies that have tried to "cut corners" or ignore this process for whatever reason have found the projects not only more difficult but have put their agencies and staff at considerable legal risk.

Prior to undertaking lead projects, LCMs and other field staff should *at a minimum* have a current RRP certification (the Agency should also become Firm Certified) and should be well versed in both NJ Lead Codes ([NJAC 5:17](#) and [8:51](#)) and [HUD Guidelines for the Evaluation and Control of Lead Based Paint Hazards Housing](#).

The following is an outline of both the protocols and practices for safe and efficient management of lead hazard control jobs under the LRAP/Lead Assistance Programs.

**Step 1: Produce Field Folder** - Once qualified applications are completed, office staff should create a "Field Folder" for use by the LCM in the field. Using 2 pocket plastic folders are best to hold all of the information and can be reused. (The paper ones don't hold up.)

The Field Folder *should not include private information* but should include the following items (all forms can be accessed electronically on the [Lead Agency Program and Documents Page](#) on the NJ Lead Institute website.)

### Left Side

- [Lead Hazard Reduction Process Form](#) - Assists owners/residents to understand the process and steps they can expect.
- [Owner's Permission for Lead-Safe Remediation Form \(English/Spanish\)](#) - Ensures clarity on what the responsibilities of both the Agency and the Owner/resident are. Required DCA form. SOW should be attached. **Jobs cannot be started without this form being signed by the OWNER, not the resident.**
- [Lead Hazard Control Job Completion Form \(English/Spanish\)](#) - Assures that homeowner agrees job is complete and to their expectations. Prevents a homeowner from saying that you or your contractor failed to do promised work.
- [NJ DCA Lead Assistance Programs Client Sign off and Comments](#) (DCA Form in English only) - can take the place of the Job Completion Form but isn't as robust.

- Field File Customer Satisfaction Survey (English/Spanish) - Optional form that helps monitor the quality of your program based on customer feedback.

### **Right Side**

- Right of Entry Form - **DCA required form and must be signed prior to job start.** It has the customer contact information, and it outlines what the customer agreed to as a participant of the program. Good legal language. Add the client number generated by HESWAP. This is needed for over cost approvals. If it is a rental property, include the landlord's contact information.
- Information on the historic status of the unit
- Any pertinent email communications between office staff and owner/resident on availability, concerns, etc.
- Other key information the LCM needs to perform the job.
- Notice of Violation (if an abatement)
- Pictures taken during initial lead assessment/visit.
- Healthy Homes information or assessments, if conducted.

The LCM will use the Field Folder to add all documentation related to the lead job. This information should include:

- Lead Inspection Risk Assessment (LIRA)
- Copy of the approved and signed Scope of Work
- Lead Contractor contracts or other information
- Emails and other correspondence with contractor, owner, or resident on scheduling, job status, issues, etc.
- Clearance report

**Step 2: Order a Lead Inspection Risk Assessment** - Either the LCM or other Agency staff are responsible for scheduling the LIRA. Some Agencies find it more efficient to have the LCM schedule and make the arrangements with the Lead Evaluator and Resident, for others, the LCM makes the arrangements themselves.

In either case, the Lead Agency Staff or LCM will use the [Lead Evaluator List](#) for your area to schedule LIRAs. You are required, as best you can, to utilize all of the available Lead Evaluation firms available in your location. Please do not get locked into a particular lead evaluator. If you are having a repeated issue with one of the Lead Evaluation Firms or particular Evaluator you should reach out to Peter Rose (prose@isles.org), otherwise please utilize the lead evaluators in an equitable fashion.

To schedule a LIRA, first find out times when residents are available for a LIRA. LIRAs can take anywhere from 1-2hrs. depending on the size of the unit. Next, contact the lead evaluation firm and inquire about their availability. If they **are not** available that day, then move to the next lead evaluation firm. If **they are** available schedule the LIRA with them and confirm with the resident or owner. Either the resident or owner needs to be at the unit during

the LIRA. [Pro Tip: if you can schedule more than one LIRA for the same day, within a reasonable time frame, your lead inspectors will be more inclined to have time for you.]

**The day before the LIRA**, it is wise to either call, email or text the resident or owner *and contractor* to remind them of the time of the LIRA and confirm that they are still available.

**The day of the LIRA**, the LCM should arrive prior to the LIRA to discuss the process with the owner or resident. This is an important step in creating a relationship and rapport with the resident or owner. Keeping them informed of the process and then following through builds trust that is invaluable.

***The LCM (or in an emergency another lead agency staff person) must attend the LIRA with the lead inspector.*** The reasons for this are many. 1) To ensure proper communication with the owner/resident, 2) to ensure the lead inspector is following their protocols for assessing all painted friction/impact surface and other deteriorated paint surfaces, 3) to inspect the unit for other healthy homes issues and to make notes on conditions that would not be reflected on the LIRA, 4) to note other conditions of the house (such as clutter or pests) that could result in a deferral if they are not handled prior to lead work being ordered. This goes back to being able to speak directly to the owner/resident about these types of issues, 5) to take "before" pictures of the unit for future reference when making your Scope of Work. This can be done at the Contractor walkthrough as well, but why not use this time for that?

*After the LIRA*, you can inform the homeowner about a possible timeline for the next step for them -- the lead contractor walkthrough. Generally, the LIRA and dust samples take 3-4 days to be returned to you. That time might increase because a wait for dust sample results or because of a very large unit which takes longer to write up. But in general, 4 days should be at the outside of what is acceptable.

**Step 3: Scope of Work** - Once you have received the LIRA, you can develop a detailed [Scope of Work \(SOW\)](#) for the project. **The LCM is the only person who is allowed to develop the Scope of Work.** In order to prevent conflicts of interest, contractors or Lead Evaluators *cannot* prepare the SOW. [Pro Tip: Put the LIRA into your Field Folder.]

The SOW is a measure by measure description of the location of each lead hazard, the type of hazard control method needed and notes to contractors to help better communicate the work required to make the surface lead safe according to NJ and HUD guidelines. The SOW is developed using the Lead Hazard Report at the beginning of the LIRA and any other information gathered during the LIRA or other visits to the unit. Description of [Suggested Measures](#) based on the surface and dust sample results are available on the NJ Lead Institute website.

Following the LIRA line by line, the LCM should utilize the provided SOW template to fill in each line item report for hazard control. Bulk listing of measures is not allowed. Each

component with LBP and the required work to make that component lead safe must be listed separately on the SOW. The template uses drop down menus that are pre-filled to assist in properly filling out the SOW. (It is highly recommended that you use this template.) Notes can be added to each line as needed to clarify how you wish the work to be performed. Additional lines can be added to accommodate a large number of measures.

Isles technical assistance staff can provide hands-on assistance to you when you are ready to perform your first several LIRAs and can also help you write your first few SOWs. We recommend that you take advantage of this service as it will provide you with a strong foundation from which to operate going forward.

**Step 4: Contractor Walkthrough** - Once you have filled out a line by line item SOW, you are ready to schedule a walkthrough with your chosen Lead Contractor (See [Round Robin Process](#)). *Scopes of Work or "bids" cannot be accepted without the Lead Contractor inspecting the job in person. **Blind "bids" or SOWs are not allowed*** for obvious reasons. Requirements for each job and measure are unique and require in-person inspection.

Remember that not all contractors are the same. Giving a small contractor with few skilled workers a large, complicated job with many window replacements sets them up for failure. And giving a large contractor a very small job will won't be worth their time or expertise. You should be equitably distributing your lead jobs based on the contractor's capacity, skills, and availability. This helps small contractors make money and grow as they get better at the work and keeps larger contractors working on jobs where they can use their skills to everyone's benefit. For the Agency and LCM, matching the right job with the right contractor is an important aspect of the work. When you have done your walk through and used the LIRA to make a SOW, you will then have a very good idea of the scale and/or complexity of the job that will make it easier to choose the appropriate Lead Contractor from your pool.

When you have selected the contractor for a particular job, the LCM (or lead staff) schedules a lead contractor/LCM walk through with the owner/resident. The Lead Contractor does not schedule the walk through. LCMs must attend these walk throughs in order to introduce the Contractor to the owner/resident, be available to point out specific issues in the unit, and answer Contractor questions. By doing this, there is far less back and forth with contractors and gives a higher level of assurance that "change orders" will be limited or non-existent unless some unforeseen and significant issue is uncovered during work. Change orders are not good for anyone and cause delays and problems that can be mostly avoided with a thorough inspection of the units with the Contractor.

**The LCM should give the Contract a copy of the LIRA and filled in Scope of Work without the costs prior to or at the walkthrough.** (While this form is usually completed electronically, having the SOW during the walk through ensures that required measures are clear and not missed.)

**Next, the Lead Contractor will take the information that they have gathered during the walk through and complete the SOW by adding costs for each measure.** The Contractor will then return the completed SOW to the LCM with all pricing *and a planned timeline for job completion*. Contractors should let the LCM know how long the job will take them prior to the initiation of any work. This information can then be given to the owner/resident.

**Step 5: Finalizing the SOW** - When you get the SOW with pricing from the Contractor, now you need to go through each line item to check if the costs are in line with the "Cost Guidelines" provided for the LRAP Program. The [Cost Guidelines](#) provide you with an accurate range of appropriate costs for each measure. While there may be extenuating circumstances (like additional structural repairs to install a window, or an unusual item), for the vast majority of measures, these guidelines provide an appropriate cost range for each measure. The range for each measure also offers the ability to be flexible if the suggested measure is not standard for some reason, but the range **does not mean** that the Contractor should be pricing at the top end of the range for each measure.

Because the Round Robin falls under a “competitive negotiation” process, this means that if the pricing is out of line, unlike with the bid process, you can confer with the Contractor to negotiate the price to a proper point or understand why the higher cost is appropriate/allowable. Contractors will more often than not try to extract the maximum amount out of each job. It is the job of the LCM to make sure that job costs are within the bounds of reason. We want contractors to make money, but we also want to be good stewards of the grant funds we have been given.

When both the LCM and the Contractor agree with the pricing, each party should sign and date the SOW. This includes a statement on the SOW or in the contract on the estimated time that it is expected to take from start of job to completion. It is important to get this information and stay on top of the production process to ensure that this timeline is met. Achieving job timelines are important to both your production efficiency but also for the owner/resident to manage their time.

Some programs also require the Lead Coordinator to sign the SOW. And some Agencies also require a separate contract for each job. If that is the case for your Agency, then fill out and have that contract signed as well. Whether using just the SOW or a more formal contract for each job, **the SOW is the ultimate guide for all measures. Lead Contractors cannot make any changes to the measures ordered without the written consent of the LCM or Lead Coordinator.** [Pro Tip: Put SOW in your Field Folder.]

**Step 6: Job Start and Set-up** - The LCM (or Agency staff) should coordinate the start date with the owner/resident and contractor. The LCM should be on-site at the start of the job to discuss with the owner/resident and make sure the job is being set up properly (containment, hazard control methods, worker protective gear, etc.) and the Lead Contractor has everything they need to get started.

**Step 7: Oversight of Lead Work** - The LCM should plan to visit every job site at least one other time during the job. The visit doesn't need to be long but should include observations of the quality of the project measures and provision of any corrective actions or directions. **It is ultimately the responsibility of the LCM to make sure that the job is done properly and per HUD/NJ Guidelines for the control of lead based paint hazards.**

**Step 8: Lead Clearance** - Prior to ordering the lead clearance, the LCM must ensure that all measures are properly performed per the SOW and you have been given a clear timeline from the Lead Contractor as to when the necessary cleaning per HUD Guidelines will be completed. Clearance cannot take place any sooner than 1 hour after cleaning has been completed. Generally, finding out a day or two in advance is helpful in getting a clearance scheduled when you need it.

When the Lead Contractor has given you the time that all work and cleaning will be completed, at that point the clearance can be ordered from the Lead Evaluation contractor list. While some find it slightly easier to use the same contractor that performed the LIRA to perform the clearance, it is not necessary. Any contractor on the list can perform the clearance.

[Pro Tip: As much as possible try to coordinate with the DCA Program Monitor to schedule *their required visits* during your clearances. This will save a lot of work trying to get back into people's homes once you've completed the work.]

**Step 9: Project Close-out** - If the unit passes clearance, then have the owner/resident fill out the completion forms:

- Lead Hazard Control Job Completion Form
- NJ DCA Lead Assistance Programs Client Sign off and Comments
- Field File Customer Satisfaction Survey (optional)

**The job isn't complete until all of these documents are filled out in full and signed.** Put all completed documents, including the clearance report, into the Field Folder and return to lead office staff for entry into HESWAP.

If the unit does not pass clearance:

- Contact Lead Contractor to schedule another cleaning. (The program pays for 2 clearances. After the 2nd clearance, the Lead Contractor must pay for all subsequent clearances. Clearance costs should be taken out of the final payment to the Lead Contractor and paid directly to the Lead Evaluator to ensure that the Lead Evaluator is paid. The Lead Contractors get mad when they fail clearances. Lots of excuses. Usually, it is poor cleaning technique. However, if it turns out that the surface cannot be cleaned (and must be enclosed), after repeated proper attempts, arrangements can be made to pay for the clearances. And, after the 2nd failed clearance, everyone must problem solve the reasons for the failure and make a plan. (Better cleaning, use of D-lead, or enclosing/sealing surface before next clearance, etc.)

- Coordinate re-cleaning with owner/resident.

**Step 10 - Invoicing** - Put all completed documents into Field Folder and return to your office. Office staff will put final measures with costs into HESWAP and start an invoice or add to an existing invoice.